

- III. Claims 17-26, drawn to an apparatus for monitoring the conditions of a door, classified in class 463, subclass 46.
- IV. Claims 27-31, drawn to a gaming machine with a mechanical key, classified in class 463, subclass 29.
- V. Claims 32-26, drawn to a method of controlling access, classified in class 463, subclass 29.

For purposes of further examination on the merits in this case, applicants provisionally elect, with traverse, the claims 1-10 of Group I.

First, it is respectfully submitted that a restriction requirement at this stage is inappropriate. A fundamental justification for restriction requirements is to alleviate examination burden on the Office by making sure that claims are examined in the most appropriate examining group. However, in this case, all of the claims have been examined on the merits at least twice, including in the present action. That being the case, there is no benefit to the Office (other than generation of additional fees) in making a restriction requirement, particularly a multi-way requirement which could subject the applicant to substantial additional filing fees. Accordingly, it is respectfully requested that the restriction requirement be reconsidered and withdrawn.

The examiner contends that Groups I and II are related as combination and subcombination, contending that Group I is the combination and Group II is the subcombination. The examiner further contends that the combination as claimed does not require the particulars of the subcombination because it does not require the network of gaming machines. It is submitted that Group II is more properly the combination, since it is directed to a network of a plurality of gaming machines, and that Group I, directed to a single gaming machine, is more properly the subcombination. When thus viewed, the combination includes all of the limitations in the subcombination group and would rely on those limitations for patentability. Accordingly, it is

submitted that, even if the restriction requirement is adhered to, the claims of Groups I and II are drawn to a single inventive concept and should be examined together.

### **Rejection**

Claims 1-36 are rejected on the grounds of obviousness-type double patenting over the claims of patent no. 6,439,996 to LeMay et al., either alone or in combination with secondary references. The rejection is respectfully traversed.

In support of the rejections, the examiner makes repeated reference to what LeMay et al. “teaches.” However, the disclosure of LeMay et al. is not pertinent to a double patenting rejection. Rather, it is only what LeMay et al. claims that is pertinent. In this case, there are fundamental differences between what applicants are claiming and what LeMay et al. claims.

Each of applicants’ claims 1, 11 and 32 recites an apparatus or method for selectively controlling access to one or more of plural physical areas of one or more gaming machines, each of which areas has an electrically operable lock mechanism associated therewith, by the input at the machine of personnel identification data identifying a person seeking access to the machine or area thereof, and responding to that input for operating one or more lock mechanisms in accordance with stored access authorization data corresponding to the identified person. Thus, for example, claim 1 recites “control circuitry including a processor...coupled to each of the lock mechanisms for controlling operation thereof”, “a data storage and retrieval system...for storing data including personnel identification data and access authorization data”, “a data input device...for inputting at least personnel identification data identifying a person seeking access” and “the processor being responsive to input personnel identification data for operating one or more lock mechanisms in accordance with access authorization corresponding to an unidentified person.”

Claim 11, similarly, specifies that each machine has “a local processor coupled to each of its lock mechanisms and the local data storage and retrieval device”, “a host computer”, “a host data storage and retrieval device storing...a database including data relating to the identifications of all authorized personnel and the area or areas of each machine for which each person is authorized access”, and “local data input devices...for inputting at least personnel identification data identifying a person seeking access”, with each local processor being “responsive to input personnel identification data for communicating it to the host computer for comparison with the database and being responsive to signals from the host computer for operating one or more of its lock mechanisms.”

Claim 32 similarly recites “storing data including personnel identification data and access authorization data indicative of the areas, if any, of the machine for which a person seeking access to the machine is authorized” and “inputting at the machine at least personnel identification information identifying a person seeking access” and “electrically unlocking the lock mechanism of only those areas, if any, for which the person seeking access is authorized.”

No such arrangements are claimed by LeMay et al. There is nothing in the LeMay et al. claims regarding inputting personnel identification data and comparing it with access authorization data, thereby to control doors, and/or locks for areas for which the person seeking access is authorized. Thus, authorization is selective from individual to individual, so that different individuals can have different levels of authorization for physical access to different areas of the machine or machines. In LeMay et al., possession of the key constitutes authorization and there is no need to compare personnel identification data with access authorization data. The point of the LeMay et al. invention is to provide electronic access to the control system of the machine so that various control functions can be effected or changed.

Applicants' claim 17 recites a door lock mechanism "including a lock bolt" and "apparatus for monitoring the conditions of the door and the lock bolt" including "a first transducer apparatus...for sensing the condition of the door" and "a second transducer apparatus...for sensing the condition of the lock bolt" and a processor responsive to signals from the transducer "for storing on the storage device data indicative of the conditions of the door and the lock bolt." Nothing like this is claimed by LeMay et al.

Applicants' claim 27 recites a machine with "a mechanical key-operated latch assembly including an actuator member movable by a mechanical key" and access control apparatus including "an electrically operable lock mechanism" being operable between first and second condition such that "in its first condition it prevents movement of the latch actuator member from its latching condition" and in a second condition it permits movement of the actuator member between its latching and unlatching conditions." Thus, there is claimed a mechanical latch which is enabled or disabled by an electronic lock. Again, no such arrangement is claimed by LeMay et al.

Just as applicants' claims include fundamental features not found in the LeMay et al. claims, the converse is also true. Thus, all of the LeMay et al. claims require a control system with a "communication port" thereon and a key including "connection means for connection of the key to the communication port" for allowing the user "to perform at least one restricted function" on the control system. Thus, the whole point of the LeMay et al. claimed invention is to permit the user to electronically perform restricted functions in the gaming device control system. No such arrangement is found in the applicants' claims, which relates solely to providing physical access to physical areas of the machine by controlling the unlocking and opening of doors.